

REMARKS

Claims 24-39 are currently pending. Claims 24-39 are indicated to be patentable over any prior art, but were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-75 of U.S. Pat. No. 6,221,330 ("the '330 patent"). Applicants respectfully traverse.

As the Examiner is aware, an obviousness type double patenting rejection may be maintained only if the Applicants' claims are obvious over the claims of the cited '330 patent under 35 U.S.C. § 103. MPEP § 804. Specifically, there must be shown a reason why a person of ordinary skill in the art would conclude that the Applicants' claims are an obvious variation of the '330 claims. *Id.* Applicants respectfully submit that one of ordinary skill in the art would not conclude that the pending claims are an obvious variation of the '330 claims.

For example, Applicants' claims recite the following element:

heating said CO gas stream to a temperature that is (i) above the decomposition temperature of said catalyst precursor and (ii) above the CO decomposition initiation temperature, to form a heated CO gas stream

This element is not recited, nor suggested by the '330 claims. The '330 claims would not suggest or motivate one of ordinary skill in the art to implement this specific step as recited in Applicants' claims. As such, Applicants' claims are patentably distinct and nonobvious over the '330 claims.

Therefore, withdrawal of the obviousness type double patenting rejection is respectfully requested.

Applicants submit that the pending claims are in condition for allowance and a notice to that effect is respectfully requested.

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Respectfully submitted,

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